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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,920	09/10/2003	Frank Bork	15750-0644	2300
24267	7590	07/07/2004	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			NGUYEN, KIEN T	
		ART UNIT	PAPER NUMBER	
		3712		

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/658,920	BORK ET AL.	
	Examiner	Art Unit	
	Kien T. Nguyen	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/04 and 11/26/</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Romero U.S. Patent 4,285,514.

Romero disclosed a ramp system for wheeled vehicles comprising first and second ramps (14) arranged back to back, each ramp having first (14c) and second (14e) ends and an upper surface (14a, 14b) extending between the ends; a connection (16) connecting the first ends (14c, 14d) of the ramps so that the ramps form a cusp and the second ends (14e, 14f) are spaced apart and define a plane spaced below the cusp (applicant's claim 1). Fig. 3 shows the connection includes a cylindrical rail (shaded part) extending the widths of the ramps between the first ends to define a spine and the upper surfaces (14a, 14b) are tangent to the rail at the first ends of the ramps (applicant's claims 3 and 4). Fig. 2 shows a brace (28) extending between and connecting the ramps and the brace being of a location spaced below the cusp (applicant's claim 5). Romero also teaches a plurality of depending feet (18) with a coat of frictional material (non-skid) (see column 3, lines 30-32) mounted to the first and second ramps adjacent to the second ends thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Romero in view of Labelson U.S. Patent 6,042,480.

It is noted that the upper surfaces of the ramps are not concave arcs as set forth in claim 2. However, such concave arc in a ramp surface is well known in the art as evidenced by ramp surfaces (36, 38) having concave arcs as shown in Fig. 2. Therefore, it would have been obvious to one of ordinary skill in the art to modify the upper surfaces (14a, 14b) of Romero with concave arcs as taught by Labelson for the purpose of providing the riders with launching surfaces.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Romero.

It is noted that Romero failed to teach first and second ramps portions as set forth in claim 6. However, such feature is merely a duplication of the same part of the ramp of Romero. Accordingly, it would have been a matter of design choice to attach the ramp sections together for the advantage of expanding the skating surface.

Claims 7-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romero in view of Everard et al. U.S. Patent 5,347,672.

It is noted that Romero does not specifically disclose the specific structural features of the connection as set forth in these claims. However, Everard et al teach a portable, stowable knockdown ramp having a connection as shown in Figs. 2 and 3

Art Unit: 3712

comprising a notch (space between rail 21 and lip 22) in one end of a first ramp (12), a rigid rail (21) on the first end of the first ramp, at least one curved tongue (34) from a first end of second ramp (12), the tongue being shaped and dimensioned so that the second end of the second ramp is elevated above the common plane, the tongue may be inserted from below into the notch behind the rail when the second end of the second ramp is swung down to the plane and the tongue becomes locked behind the rail as shown in Fig. 3. Therefore, it would have been obvious to one of ordinary skill in the art to modify the connection (16) of Romero with the connection as shown in Figs. 2 and 3 of Everard et al for the purpose of allowing the ramps to be detached for storage.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited for interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn